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October 14, 2003

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *In the Matter of Petition of Mpower Communications Corp. for
Establishment of New Flexible Contract Mechanism Not Subject to "Pick and
Choose,"* CC Docket No. 01-117 (filed May 25, 2001) ("Mpower May 25, 2001
Petition");

*In the Matter of Review of the Section 251 Unbundling Obligations of
Incumbent Local Exchange Carriers, et seq.,* CC Docket Nos. 01-338, 96-98, and
98-147.

Dear Ms. Dortch:

Mpower Communications Corp. ("Mpower"), through its undersigned counsel, hereby advises the Commission of its decision to withdraw the Mpower May 25, 2001 Petition, without prejudice to reintroduce it at a later date. Mpower has concluded, as will be more fully discussed in its comments to be filed in the above-referenced pending rulemaking in CC Docket Nos. 01-338, 96-98 and 98-147, that current telecommunications industry circumstances do not provide adequate incentives for the May, 2001 Flex Contract proposal, as originally envisioned by Mpower, nor the filing of a Statement of Generally Available Terms & Conditions discussed in the Commission's Notice of Proposed Rulemaking released on August 21, 2003, to work satisfactorily. In short, Mpower concludes that under current industry conditions, that a Flex

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Contract regime will not promote more flexible and open negotiations between incumbent LECs and competitive LECs than exist under existing pick-and-choose interconnection rules.

Mpower recognizes that the Commission's pending rulemaking to consider the pick-and-choose rule will continue notwithstanding Mpower's withdrawal of its May 25, 2001 petition. However, Mpower wishes to make its decision known in advance of comments being filed in this proceeding, so that its current position on this topic is known to the Commission and to commenting parties. Earlier today, I spoke by telephone with Michelle Carey, Division Chief of the Competition Policy Division of the Commission's Wireline Competition Bureau, to inform her of Mpower's decision to withdraw the Mpower May 25, 2001 Petition and the reasons for it, summarized above.

Pursuant to 47 C.F.R. § 1.1206(b)(2), a copy of this letter is being filed electronically with the Office of the Secretary for inclusion in the public record of the above-referenced proceeding.

Sincerely yours,

Douglas G. Bonner
Counsel for Mpower Communications Corp.

cc: Lisa Zaina (via email)
Jordan Goldstein (via email)
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